

By: Riddle, Harless, Parker,
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H.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain inmates convicted of injury
to a child for release to mandatory supervision and to
reconsideration of parole eligibility for those inmates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as Emma's Law.

SECTION 2. Section 508.149(a), Government Code, as amended
by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd
Legislature, Regular Session, 2011, is reenacted and amended to
read as follows:

(a) An inmate may not be released to mandatory supervision
if the inmate is serving a sentence for or has been previously
convicted of:

(1) an offense for which the judgment contains an
affirmative finding under Section 3g(a)(2), Article 42.12, Code of
Criminal Procedure;

(2) a first degree felony or a second degree felony
under Section 19.02, Penal Code;

(3) a capital felony under Section 19.03, Penal Code;

(4) a first degree felony or a second degree felony
under Section 20.04, Penal Code;

(5) an offense under Section 21.11, Penal Code;

(6) a felony under Section 22.011, Penal Code;

(7) a first degree felony or a second degree felony

under Section 22.02, Penal Code;

(8) a first degree felony under Section 22.021, Penal Code;

(9) a first degree felony under Section 22.04, Penal Code;

(9-a) a second degree felony or a third degree felony under Section 22.04, Penal Code, if the victim of the offense is a child;

(10) a first degree felony under Section 28.02, Penal Code;

(11) a second degree felony under Section 29.02, Penal Code;

(12) a first degree felony under Section 29.03, Penal Code;

(13) a first degree felony under Section 30.02, Penal Code;

(14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;

(15) an offense under Section 43.25, Penal Code;

(16) an offense under Section 21.02, Penal Code;

(17) a first degree felony under Section 15.03, Penal Code;

(18) an offense under Section 43.05, Penal Code; ~~or~~

(19) an offense under Section 20A.02, Penal Code; or

(20) ~~(18)~~ an offense under Section 20A.03, Penal Code.

SECTION 3. The change in law made by this Act in amending

1 Section 508.149(a), Government Code, applies only to the release to
2 mandatory supervision of an inmate serving a sentence for an
3 offense committed on or after the effective date of this Act. The
4 release of an inmate serving a sentence for an offense committed
5 before the effective date of this Act is governed by the law in
6 effect on the date the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

10 SECTION 4. Notwithstanding Section 3 of this Act, the
11 change in law made by this Act in amending Section 508.149(a),
12 Government Code, applies on or after the effective date of this Act
13 to the policy adopted by the Board of Pardons and Paroles under
14 Section 508.141(g), Government Code, concerning the time by which
15 the board must reconsider for release on parole an inmate serving a
16 sentence for an offense listed in Section 508.149(a), Government
17 Code, regardless of whether the inmate is serving a sentence for an
18 offense committed before, on, or after the effective date of this
19 Act.

20 SECTION 5. To the extent of any conflict, this Act prevails
21 over another Act of the 83rd Legislature, Regular Session, 2013,
22 relating to nonsubstantive additions to and corrections in enacted
23 codes.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.